



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

FEB 16 2012

The Honorable Andy Harris  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Harris:

Thank you for your letter of December 6, 2011 to the U.S. Environmental Protection Agency (EPA) concerning the Phase II Watershed Implementation Plans (WIPs) developed by the Chesapeake Bay (Bay) jurisdictions of the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia and New York. EPA appreciates this opportunity to clarify important aspects of the ongoing joint federal-state Bay restoration.

The Bay Total Maximum Daily Load (TMDL) established in December 2010 was largely based on the jurisdictions' WIPs. The continued refinement of state plans are part of a watershed-wide TMDL supported by three phases of implementation to meet the Chesapeake Bay Program Partnership's commitment of having all pollution control measures needed to fully restore the Bay in place no later than 2025. The jurisdictions are implementing Phase I of that process, and are in the process of developing Phase II as planned.

Restoring the Bay and local waters requires an adaptive management process consistent with the assumptions and requirements underlying the Bay TMDL and an accountability framework that ensures pollutant reductions stay on pace. My October 5, 2011 letter is an example of this ongoing adaptive process. After hearing concerns from the states, I sent the letter informing the jurisdictions that they had flexibility on how they could express "local area targets." The purpose of these local area targets is to provide local partners with specific actions or goals that represent their contribution toward meeting the Chesapeake Bay TMDL allocations. Jurisdictions may decide how to define and set local area targets based upon what makes the most sense to their key partners. EPA continues to work with Bay jurisdictions to provide information and assistance.

Bay jurisdictions have now submitted draft Phase II WIPs to EPA. One of the key purposes of the Phase II WIPs is to ensure that local partners who play a key role in cleaning up our waterways are engaged and ready to help implement the WIPs. Between now and the submittal of the final Phase II WIPs on March 30, 2012, EPA will work with the jurisdictions to provide feedback on those draft plans and the 2012-2013 two-year milestones that the Bay jurisdictions submitted in January 2012. EPA's common sense evaluation will be based on a range of available data and information and an understanding of progress to date compared with commitments, while recognizing the bigger picture of circumstances facing a jurisdiction.

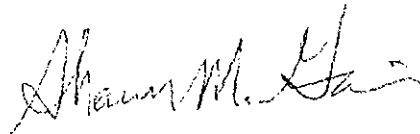


EPA intends to continue to approach its evaluation of progress by the seven watershed jurisdictions towards the shared goal of restored water quality in local streams, rivers, and the Chesapeake Bay by using the WIPs and two-year milestones as the main measuring sticks. As implementation continues, EPA will focus our review on whether the jurisdictions' two-year milestones commit to the near-term actions and any mid-course corrections that are necessary to achieve the 2025 restoration goals within the framework of adaptive management.

EPA and our partner jurisdictions all recognize that the incorporation of new scientific data and information, better accounting for practices being implemented, and the incorporation of new pollutant reduction practices and technologies will be an ongoing process over the next 13 years. Using an adaptive management framework allows the development and evaluation of the jurisdictions' ongoing implementation to be based on the best available information. As an example, jurisdictions have already submitted, and the Chesapeake Bay Program has provided interim approval for, several placeholder best management practices (BMPs) for use in the WIPs and the 2012-2013 milestones. These placeholder BMPs ensure that jurisdictions can receive credit for new and innovative practices within their WIPs and milestones even as expert panels more fully review how best to incorporate the science underlying these practices into the Chesapeake Bay Program decision support tools. It is my goal to keep focused on implementing pollutant reduction strategies while making refinements to input data and assumptions as necessary.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Linda Miller, EPA's Chesapeake Bay Liaison, at 215-814-2068.

Sincerely,



Shawn M. Garvin  
Regional Administrator

